

Ryan Lee (SBN: 024846)  
 Krohn & Moss, Ltd.  
 10474 Santa Monica Blvd., Suite 401  
 Los Angeles, CA 90025  
 Tel: 323-988-2400 x241  
 Fax: 866-583-3695  
 rlee@consumerlawcenter.com  
 Attorneys for Plaintiff,  
 Lloyd Franklin

**UNITED STATES DISTRICT COURT,  
 DISTRICT OF ARIZONA**

Lloyd Franklin,	)	Case No.:
	)	
Plaintiff,	)	<b>COMPLAINT AND DEMAND FOR</b>
	)	<b>JURY TRIAL</b>
v.	)	
	)	<b>(Unlawful Debt Collection Practices)</b>
JC Christensen & Associates, Inc.,	)	
	)	
Defendant.	)	

**PLAINTIFF'S COMPLAINT**

Lloyd Franklin (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against JC Christensen & Associates, Inc., (Defendant):

**INTRODUCTION**

- Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

**JURISDICTION AND VENUE**

- Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
- Defendant conducts business in the state of Arizona, and therefore, personal jurisdiction is established.
- Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

**PARTIES**

5. Plaintiff is a natural person residing in Tucson, Pima County, Arizona.
6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
8. Defendant is a collection agency and conducts business in Arizona with offices in Sartell, Minnesota.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**FACTUAL ALLEGATIONS**

10. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
11. Beginning in April 2011, Defendant calls Plaintiff from 352-534-4381 up to 4 times per day, Monday through Friday.
12. Plaintiff called Defendant back on one occasion and the employee was very irate, calling Plaintiff a "deadbeat" and threatening "immediate legal action" if Plaintiff did not pay Defendant.
13. When Plaintiff asked what the alleged debt was for, Defendant stated that it didn't matter who the original creditor was and told Plaintiff he "better pay up now."

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of this is to harass, abuse, and oppress the Plaintiff.
- b. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c. Defendant violated §1692e(5) of the FDCPA threatening to take legal action against Plaintiff even though Defendant did not intend to take such action.

WHEREFORE, Plaintiff, Lloyd Franklin, respectfully requests judgment be entered against Defendant, JC Christensen & Associates Inc., for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
17. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff, Lloyd Franklin, demands a jury trial in this cause of action.

RESPECTFULLY SUBMITTED,

DATED: August 26, 2011

KROHN & MOSS, LTD.

By: \_\_\_\_\_

Ryan Lee  
Attorney for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ARIZONA

Plaintiff, LLOYD FRANKLIN, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, LLOYD FRANKLIN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 8/14/2011

  
LLOYD FRANKLIN